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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/518,699	03/03/2000	Martin S Berger	B-66383	7109

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EXAMINER

RUDY, ANDREW J

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/518,699

Applicant(s)

BERGER, MARTIN S

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-42 are pending.

Claim Rejections - 35 USC § 112

2. Claims 1-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 6, 7, the phrase “consumer station” is not clear. The specification describes customer stations 14 and consumer stations 18. As is, a consumer station 18 appears to fall within the parameters of a customer stations and there appears no line of demarcation to differentiate the two. Thus, as understood, the phrase is not clear as a customer station may potentially purchase a product, i.e. obtain loans, and be a consumer station.

Claim 1, line 9, the phrase “at least one station” is not clear. Is the “one” the consumer station or industry station?

Claim 1, line 11, the phrase “opinion information” is not clear with regards to the specification.

Claims 8, 23, 32, the terms “SIC” and “NAICS” are not clear what is being referenced.

Claim 18, line 4, the phrase “internet” is not clear if it is the capitalized “Internet” from line 3 being referenced.

Claim 18, line 9, the phrase “consumer station” is not clear for reasons cited above with regards to claim 1.

Claim 25, lines 6, 7, the phrase “by at least one of a consumer station and an industry station” is not clear. Is it at least one consumer station and at least one industry station? Is it at least one consumer station or one industry station? The language is not clear on this point. Also, the phrase consumer station is not clear.

Claim 25, line 11, the phrase “opinion information” is not clear with regards to the specification.

Claim 25, line 9, the phrase “at least one station” is not clear. Is the “one” the consumer station or industry station?

Claim 25, line 15, the phrase “the interest” is not clear as to what is being referenced.

Claim 42, line 4, the phrase “internet” is not clear if it is the capitalized “Internet” from line 3 being referenced.

Claim 42, lines 9, 10 the phrase “consumer station” is not clear for reasons cited above with regards to claim 1.

Correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-42, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Eder, US Patent No. 6,393,406. Eder discloses using the Internet 5 to access various databases 10, 15, 30, 35, 40, 50, a plurality of a client computers 110, application computers 120 and database computers 130, a description of intellectual property (IP) information stored therein, selecting access to this information from a plurality of stations 20 via feedback data and modeling the information to forecast future IP value. As understood, the computers 110, 120 and 130 of Eder encompass the terms of an industry, customer or consumer station and the information may be deemed confidential. Further the IP databases have at least one common feature, i.e. each comprises IP data.

To provide opinion or survey information, as understood, as a mechanism for evaluating the intellectual property would have been obvious to one of ordinary skill in the art. Also, providing common knowledge incentive programs to induce the selection of a particular intellectual property item is well established within the art. Further, to provide either well known SIC or NAICS code would have been obvious to one of ordinary skill in the art.

Providing each would be an obvious use of well known and common knowledge tools for evaluating intellectual property.

5. The following references are pertinent to applicant's disclosure:

Rivette et al., US Patent No. 6,339,767, discloses a system for processing IP data.

Frauenhofer et al., US Patent No. 6,236,991, discloses a system for collecting, categorizing and searching data.

Donner, US Patent No. 6,154,725, discloses and audit system for IP valuation disclosing various terms of valuation that are well known and common knowledge within IP valuation systems.

Choy, US Patent No. 6,141,754, discloses a system for accessing IP data.

Iwamoto, US Patent No. 6,141,685, discloses a IP supply and management system.

Petruzzi et al., US Patent No. 6,049,811, discloses a system for collating IP data.

Risen, Jr. et al., US Patent No. 6,018,714, discloses evaluating IP data.

Erickson, US Patent No. 6,014,644, discloses a system for accessing data between various work stations.

Rabne et al, US Patent No. 6,006,332, discloses a system for controlling IP data.

Vig, US Patent No. 5,911,131, discloses a system for valuation of IP data.

Payne et al., US Patent No. 5,909,492, discloses a network sales system.

Giovannoli, US Patent No. 5,758,328, discloses an Internet system for processing IP data.

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6. Applicant's two separate Information Disclosure Statements have been reviewed. Note the two enclosed PTO-1449 citations included with this Office Action.

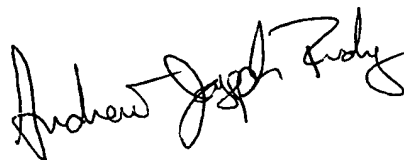
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9326 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

September 9, 2002

A handwritten signature in black ink, reading "Andrew Joseph Rudy". The signature is written in a cursive, flowing style with a large initial "A".